

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re:	MIGDALIA ESPINET	:	Chapter 13
	Debtor,	:	
		:	
	MIGDALIA ESPINET	:	Case No. 5:19-bk-2874
		:	
	Objector,	:	
	v.	:	
		:	
	Merrick Bank,	:	
	Claimant,	:	

OBJECTION TO PROOF OF CLAIM NO. 3 OF Merrick Bank

AND NOW COMES Debtor Migdalia Espinet, and brings Objection to Proof of Claim No. 3 of Merrick Bank, and in support thereof states:

1. Claimant Merrick Bank filed Proof of Claim No. 3 on July 22, 2019.
2. It is unclear who Claimant is as Resurgent Capital Services seems to allege that it has authority or has acquired the account of debtor yet only provide a generic power of attorney which does not specifically identify Debtor or debtor's account nor whether Merrick or Resurgent is able to or trying to collect.
3. Merrick Bank, has not established itself to be a holder in due course nor to possess any right to collect the instant account as it may have assigned the account.
4. As such claimant fails to qualify as a creditor under 11 USC 101.
5. Debtor seeks a determination that Proof of Claim No. 3 be disallowed in its entirety.

WHEREFORE, Debtor Migdalia Espinet prays that the Proof of Claim # 3 of Merrick Bank be disallowed in its entirety, and for such other and further relief as the Honorable Court deems just and appropriate.

Respectfully submitted,

s/ Mark E. Moulton
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